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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,848	02/11/2004	H. Stetser Murphy JR.	22270-RA2	3039

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SUITE 310
ATLANTA, GA 30339

EXAMINER

HURLEY, SHAUN R

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,848

Applicant(s)

MURPHY, H. STETSER

Examiner

Shaun R. Hurley

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05/11/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, 9, 10, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen (5577644).

Chen teaches a garment hanger comprising at least one arcuate hook member (60) having first and second ends, and at least one generally spherical ball shaped member (20) having surface protrusions (ears, nose, etc) and of at least 2 inches in diameter (scale of figures, use) and fixably attached proximate to the second end, wherein the hanger is made of a moldable material (all materials including plastics, metals, etc are moldable). In regards to nonslip material, all hanger materials are nonslip as compared to known slippery materials. Chen also inherently teaches the method of using such a hanger.

3. Claims 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Bury et al (2946493).

Bury teaches a garment hanging device (Figure 2) comprising a support frame, at least one extension arm (14) having first and second ends, first end being secured to the support frame, wherein the extension arm had upper and lower extension with a ball (22, 24) attached on each, as well as a ball between first and second ends.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen.

Chen essentially teaches the invention as discussed above, but fails to specifically teach being integrally molded of expanded polystyrene, which is well known in the art. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to mold the hanger in one piece out of expanded polystyrene, so as to cheaply produce a safe hanger. Molding as one piece removes expensive assembly, and expanded polystyrene is a safer material for hanging garments on, all understood by the ordinarily skilled artisan and known in the art.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Chen (6170721).

Chen essentially teaches the invention as discussed above, but fails to specifically teach the hook having substantially flat surfaces, which Chen '721 teaches (Figure 1). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to utilize flat hook surfaces, so as to stabilize the hook on a rod. The ordinarily skilled artisan would understand this benefit, and know to use such.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Bury.

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Chen essentially teaches the invention as discussed above, but fails to specifically teach a hemispherical indent, which Bury teaches (Figure 6). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to utilize such an indentation, so as to stabilize the hook on a rod. The ordinarily skilled artisan would understand this benefit, and know to use such.

8. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Lehmann (4872568).

Chen essentially teaches the invention as discussed above, but fails to specifically teach a plurality of hanging arms along a connecting rod. Lehmann teaches that using such a spreadwidth construction is well known in the art (Figure 1). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to utilize the structure as taught by Lehmann in the invention of Chen, so as to allow for greater stability on the hanging rod. By providing multiple hanging arms and a width, the ordinarily skilled artisan would increase the balance in the hanger, providing appreciable stability.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Griffin et al (3148808), Chen (5503311), Mikhail et al (2006/0113334), and Robinson (4730737) all teach what is well known in the art.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaun R. Hurley whose telephone number is (571) 272-4986. The examiner can normally be reached on Mon - Fri, 6:30 am - 3:00 pm, off second Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Shaun R Hurley

Examiner

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SRH

09 June 2006